

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

SHAWN WAYNE WHATLEY,

Petitioner,

VS.

CARL HUMPHREY, Warden,

Respondent.

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NO. 5:12-CV-98 (MTT)

**Proceedings Under 28 U.S.C. §2254
Before the U.S. Magistrate Judge**

ORDER

Before the Court is Petitioner Shawn Wayne Whatley's Motion to Appoint Counsel asking that he be provided with legal representation in the above-captioned §2254 proceeding. Doc. 14. Upon review of the instant petition, the Court finds that the issues set forth therein are properly raised and adequately set forth Petitioner's contentions. They are not so complex as to require appointment of legal counsel to represent Petitioner's legal interests at this time.

The Court, on its own motion, will consider appointing legal counsel for the Petitioner if and when it becomes apparent that legal assistance is required in order to avoid prejudice to his rights. Certainly, if an evidentiary hearing is required, counsel will be provided for the Petitioner.

Accordingly, at the present time, Petitioner's motion for appointment of legal counsel is **DENIED.**

SO ORDERED, this 16th day of July, 2012.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge